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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

ALBERTO C. YARD,

M. No. _____
(18 U.S.C. § 2252(a)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JOHN D. ROBERTSON, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (the "FBI"), duly appointed according to law and acting as such.

On or about July 2, 2013, within the Eastern District of New York and elsewhere, the defendant ALBERTO C. YARD did knowingly receive and distribute any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

1. I have been a Special Agent of the FBI since November 2006, and am currently assigned to the New York Office. Since February 2013, I have been assigned to a Crimes Against Children squad. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed hundreds of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE FBI INVESTIGATION

3. In May 2013, Google, Inc (“Google”) provided information to the National Center for Missing and Exploited Children (“NCMEC”) regarding account “CBONEZ68,” whose user uploaded approximately 213 images containing child pornography. Specifically, many of the images depicted toddlers being bound, tortured and sexually exploited.

4. NCMEC is a private, non-profit organization founded by Congress in 1984. Among its many functions, NCMEC receives tips regarding missing, abducted or

sexually exploited children. Three such tips were received in May 2013 by NCMEC from Google regarding the account "CBONEZ68."

5. Google provided records to NCMEC regarding the account "CBONEZ68," specifically with respect to the account "CBONEZ68" uploading images to Google Picasa.² Among other items, Google provided approximately 213 images. Those images, once forwarded by NCMEC to the FBI, were reviewed by your affiant. Upon your affiant's review of those images, the majority of the files depicted child pornography. Amongst these photos, which are available for the court to review, are three, described as follows.

- a. **27d1dbc1ff7e74ff6e3568cc3b145914.jpg:** this image depicts a 4-5 year old female, nude, bound at the ankles and knees with rope. The minor has a ball-gag strapped in her mouth and around her head. Her vagina and anus are exposed. Written in marker on her stomach are the words, "Lick me Please."
- b. **004_copy1.jpg:** this image depicts a minor who appears to be 4-5 years old, bound at the knees, wrists, and elbows with rope and duct tape. Her mouth is also covered with duct tape. Her anus and genitals are exposed.
- c. **cd57d312e294ac12f0151fc748f9a116.jpg:** this photo depicts a minor female, approximately 4 years old. Her upper torso is nude and her wrists are bound by rope. A man's semi-erect penis and testicles are in the vicinity of the girl's mouth.

6. On or about June 20, 2013, your affiant served upon Google a search warrant for the Google Picasa account. A review of the records produced pursuant to the search warrant reveal images of child pornography and voyeuristic photographs of children.

² Google's services to its subscribers include, but are not limited to: sending, receiving, and storing emails; uploading, sharing, organizing photos for review and dissemination, through its Picasa service, and; uploading, searching, and review of videos through its YouTube service.

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Notably, the voyeuristic photographs of children produced had metadata which suggests that the photographs were taken by the user of the account “CBONEZ68” in a courthouse.³

7. A subpoena served on Google by the FBI indicated that ALBERTO C. YARD is the user of the account “CBONEZ68.” Information from this subpoena also revealed that the account “CBONEZ68” was accessed from IP addresses 207.29.42.2 on April 29, 2013 and 108.41.215.174 on March 28, 2013. Using widely-available IP Address and Geolocation search engines, your affiant determined that 207.29.42.2 is an Internet access point provided by the New York State Unified Court System (“NYUCS”). On June 17, 2013, NYSUCS Inspector General (IG) confirmed that 207.29.42.2 was part of a wireless Internet Public Access Network (“PAN”) provided to visitors of 141 Livingston Street, Brooklyn, NY (the “LIVINGSTON ADDRESS”), which is a Civil Courthouse. The IG also confirmed that an individual known as ALBERTO C. YARD is an armed court officer currently working at the LIVINGSTON ADDRESS. YARD has no assigned, NYUCS computer terminal from which he might access the Internet. The IG stated that while the armed security officers are not supposed to be accessing the PAN, YARD could access the internet from a handheld, Internet-capable device.

8. According to billing information provided by Google, the user of the account “CBONEZ68” listed an address in Brooklyn, New York (the “BROOKLYN ADDRESS”) as his residential and billing address. Google also provided information that the

³ Metadata, often described as “data about the data,” is non-content information related to a file. For example, a photographic file might include the date, time, and location it was created, as well as the make, model, and other information regarding the device that created the file.

user of the account "CBONEZ68" also indicated the LIVINGSTON ADDRESS as an associated address of his.

9. On June 18, 2013, New York State Office of Court Administration Personnel Office NYC reported that ALBERTO C. YARD, date of birth November 7, 1968, applied to be a Court Officer in September 1992 and listed the BROOKLYN ADDRESS.

10. On July 2, 2013, Special Agents from the FBI executed a search warrant, issued on June 19, 2013 by Magistrate Judge Victor Pohorelsky, at the BROOKLYN ADDRESS.

11. The defendant and others were present at the time when the search warrant was executed. Agents provided a copy of the search warrant to the defendant. The agents also informed the defendant that they were there to execute the search warrant and that he was not under arrest. The defendant was also told that any information he wanted to share with the agents was strictly voluntary and that he did not have to speak to the agents if he did not wish to do so.

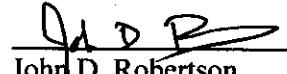
12. The defendant subsequently advised the agents, in substance and in part, that: (1) he had been actively viewing and downloading images and videos of child pornography for the past three to four years; (2) he views and downloads most of the child pornography from the website "imgsrc.ru"; (3) he took voyeuristic photographs of his 9-year old goddaughter; (4) while performing his duties as a court officer at the LIVINGSTON ADDRESS, he took photographs of young girls in the courthouse with his cellular phone; and (5) a cellular phone and laptop computer in his possession contain images and videos of child pornography.

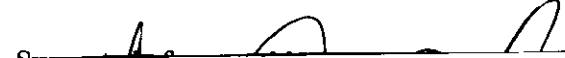
13. During the execution of the search warrant on or about July 2, 2013, agents seized, among other items, three cellular telephones, an iPad, and a laptop computer. A preliminary forensic examination of the laptop computer revealed images of child pornography, as well as voyeuristic photographs taken by the defendant of children in what appeared to be a courthouse. At least one of the cellular phones seized from the defendant contained images and videos of child pornography. Among the images and videos on the cellular phone were the following:

- a. a photograph depicting a nude prepubescent girl who appears to be six to seven years old with an adult male's erect penis in her mouth;
- b. a photograph depicting two prepubescent boys who appear to be between the ages of seven and eight years old. One of the prepubescent boys has his penis inserted inside the mouth of the other prepubescent boy;
- c. a video that is approximately 57 seconds in length containing images of a prepubescent female who appears to be five to seven years of age with her vagina and anus exposed. During the video,

what appears to be an adult male's hand is fondling the
prepubescent female's anus and genitals.

WHEREFORE, your deponent respectfully requests that the defendant ALBERTO
C. YARD be dealt with according to law.


John D. Robertson
Special Agent
Federal Bureau of Investigation


UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK